

2011 WL 12816899 (Ind.Super.) (Trial Pleading)
Superior Court of Indiana.
Allen County

Jennifer HITCHCOCK, Plaintiff,

v.

ANGEL CORPS, INC., Defendant.

No. 02D01-1107-CT-372.
July 27, 2011.

Complaint

Christopher C. Myers & Associates, [Christopher C. Myers](#), #10043-02, [Ilene M. Smith](#), #22818-02, 809 South Calhoun Street, Suite 400, Fort Wayne, IN 46802-2307, Telephone: (260) 424-0600, Facsimile: (260) 424-0712, E-mail: [cmyers @myers-law.com](mailto:cmyers@myers-law.com), ismith@myers-law.com, Counsel for Plaintiff.

COMES NOW Plaintiff, by counsel, and alleges against Defendant that:

1. The Plaintiff is Jennifer Hitchcock, a resident of Allen County, New Haven Indiana at all material times to this Complaint.
2. The Defendant is Angel Corps, Inc., a company doing business at 528 West Washington Boulevard, Fort Wayne, Indiana 46802. The Defendant is an "employer" for the purposes of Title VII of the Civil Rights Act of 1964, [42 U.S.C. § 2000e et seq.](#), as amended by the Pregnancy Discrimination Act (PDA). Defendant employed Plaintiff at all material times to this Complaint.
3. Plaintiff filed an EEOC Charge of Discrimination on October 27, 2010, Charge No. 470-2011-00400, a copy of which is attached hereto, incorporated herein and made a part hereof as Exhibit "A". The EEOC issued a Dismissal and Notice of Rights/ Notice of Suit Rights on May 26, 2011, a copy of which is attached hereto as Exhibit "B". All administrative remedies have been exhausted and all jurisdictional prerequisites have been met for the filing of this suit.
4. Plaintiff was employed by Defendant for approximately a year and a half and was an LPN and supervisor at the time of her separation from employment. Prior to her termination, Plaintiff had good reviews and performed within the reasonable expectations of her employer. During Plaintiff's employment by Defendant, she was subjected to no disciplinary action at all prior to April 2010. Furthermore, the disciplinary actions that were taken were discriminatory, pretextual and were retaliatory due to Plaintiff's gender and status as a pregnant female.
5. During Plaintiff's employment, she became pregnant and spoke with her director about the pregnancy on or about March 25, 2010. The Director questioned Plaintiff about whether or not she planned to quit so she could take care of the baby, or if she planned on coming back to work after the delivery. Plaintiff informed the Director that she did not yet know exactly what she was going to do since she was only twelve (12) weeks pregnant at the time of the discussion.
6. Immediately after Plaintiff's pregnancy discussion with the Director, she was treated differently and with visible contempt by the Director. When Plaintiff came into the office in the morning to say hello, office staff deliberately ignored Plaintiff. The Director also began weekly meetings with the Plaintiff to scrutinize her progress for the week, although Plaintiff's work performance had not changed or become deficient. Plaintiff was also assigned other employees' responsibilities and duties around the same time.
7. On or about April 5, 2010, Plaintiff performed a home visit, during which she was to sign up an older women for services provided by Angel Corps. Plaintiff went to the home and spoke with the woman's son who acted strange and oddly. After the

necessary paperwork was completed, Plaintiff asked the son to let her meet his mother. The mother, upon casual observation by Plaintiff, did not appear to be breathing and was either dying or already dead. Plaintiff feared for her life, but calmly retreated from the residence. When Plaintiff returned to the Angel Corps office, she immediately notified the Director of the situation and adult protective services, along with law enforcement personnel were called. It was determined that the **elderly** woman had been dead for several days prior to Plaintiff's visit to the home and the son was investigated for **neglect**. Regardless, the Director told Plaintiff to "complete" the admission by inputting the paperwork into the computer - Plaintiff complied.

8. On April 15, 2011, Defendant suspended Plaintiff pending their own investigation, but gave no clear information to Plaintiff regarding the reason for the suspension other than it was somehow connected with her encounter with the **elderly** dead woman found on April 5, 2010. However, any such alleged reasons for the suspension were false, spurious and pretextual because Defendant knew for a fact that Plaintiff had nothing to do with the **elderly** woman's death and it was only because of Plaintiff's visit to the **elderly** woman's home and her reporting concerns that the death was discovered in the first place. Furthermore, Plaintiff's actions during the home visit and immediately following the visit were appropriate and followed Angel Corps protocol.

9. On May 3, 2010 Plaintiff was terminated. The proffered reason for termination was that she had completed admission paperwork on a dead client and that her actions "compromised the health and safety of this client", but there is no evidence, and no good faith belief, that Plaintiff's actions compromised the health and safety of an already-dead woman. The proffered reason for termination was not only false and pretextual, but mendacious and unworthy of belief. Plaintiff contends that in reality she was terminated for discriminatory and/or retaliatory reasons based on her gender and status as a pregnant female, in violation of her federally protected rights under Title VII and the PDA. Furthermore, the summary discharge of Plaintiff violated the Defendant's progressive disciplinary policy.

10. Defendant's discriminatory conduct was the direct and proximate cause of Plaintiff suffering the loss of her job and job-related benefits including income and caused Plaintiff to suffer inconvenience, embarrassment, mental anguish, emotional distress and other damages and injuries.

11. Defendant's discriminatory conduct was intentional, willful, wanton, knowing and in reckless disregard of Plaintiff's federally protected rights under Title VII and the Pregnancy Discrimination Act warranting an imposition of punitive damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant for compensatory damages, punitive damages, reasonable attorney's fees and costs and all other just and proper relief in the premises.

JURY DEMAND

Pursuant to [Rule 38 of the Indiana Rules of Trial Procedure](#), Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

Christopher C. Myers, #10043-02

Ilene M. Smith, #22818-02

809 South Calhoun Street, Suite 400

Fort Wayne, IN 46802-2307

Telephone: (260) 424-0600

Facsimile: (260) 424-0712

E-mail: *cmyers@myers-law.com*

ismith@myers-law.com

Counsel for Plaintiff

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